

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Marcus Vanrico Mattison,	)	
	)	
Plaintiff,	)	C.A. No. 2:06-552-HMH-RSC
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
Sheriff Dan Wideman, Major Phillip	)	
Anderson, Captain Sharon Middleton, Lt.	)	
Linda Butler, and Sgt. Luke Mark,	)	
	)	
Defendants.	)	

This matter is before the court on appeal of Magistrate Judge Robert S. Carr’s Order filed June 15, 2006, in which Magistrate Judge Carr denied Marcus Vanrico Mattison’s (“Mattison”) motion to amend his complaint. See 28 U.S.C. § 636(b)(1)(A) (West Supp. 2006) (permitting the court to “reconsider any pretrial matter . . . where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to law”). In his motion to amend, Mattison requested that the court “compel the Greenwood County Detention Center” to provide various relief and award Mattison \$300,000 in damages. (M. Amend 1-2.) Magistrate Judge Carr denied Mattison’s motion to amend on the ground that such an amendment would be futile, as Mattison has not named the Greenwood County Detention Center (“GCDC”) as a party in the case, and Mattison cannot recover against the GCDC because it is a building, an entity which cannot be sued. (Order 2.)

On June 26, 2006, Mattison filed a document captioned “Objections to Order,” which the court construes as an appeal of Magistrate Judge Carr’s order. (Appeal 1.) In his appeal, Mattison argues that “GCDC” is a descriptive term which he uses to refer to the Defendants in their capacity as workers at the GCDC. (Id. 3, 4.) However, Mattison also argues that GCDC

“is responsible [sic] for [the Defendants’] action [sic] while they are at work.” (Id. at 3.) As set forth in Magistrate Judge Carr’s order, Mattison may not recover against the GCDC.

However, to the extent Mattison seeks to amend his complaint solely with respect to the claims against the Defendants and not to assert claims against the GCDC, his motion to amend is not futile. As such, Magistrate Judge Carr’s order denying Mattison’s motion to amend is vacated, and Mattison’s motion to amend is granted.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
July 5, 2006